IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.23 OF 2001

Dattaram C. Parab ...Petitioner

Mr. M.B. Gawde i/b. Me. Y.E.Mooman for Petitioner

CORAM: SMT. ROSHAN DALVI, J.
DATED: 14TH MARCH, 2007

P.C.

1. The Petitioner is the elder brother of the disabled person who has mental as well as physical disabilities. He is deaf and dumb, physically incapacitated as well as mentally unable to comprehend any situation.

2. The Court has interviewed the disabled person. He has been unable to communicate with the Court. He needs guardian to be appointed to take care of his person and property.

3. The father and mother of the Petitioner as well as the

disabled person have been expired. The Petitioner has relied upon their death certificates. After the death of their parents there is no one except the Petitioner to take care of the person and property of the disabled person.

4. The Petitioner's father served in Bombay Municipal Corporation (BMC). He is entitled to the dues including the pension amount payable upon his death by the BMC. The Petitioner is gainfully employed and hence as per the averments of the paragraph no.6 of the Petition he is relinquishing of his claim towards pension amount of his deceased father, in favour of the disabled person, his brother. The Petitioner is fully competent to act as the legal guardian of the disabled person.

5. The Petition is made absolute in terms of prayer clause (b).

6. The Petitioner is appointed legal guardian of the person and property of his disabled brother Prakash C. Parab. He is authorised to operate and maintain the bank accounts of the disabled person. He is also authorised to invest in shares, securities, LIC, FDRs, RBI Bonds etc, for and on behalf of his disabled brother and to realise and receive any interest of dividends therefrom. He is also authorised to sign agreements, contracts and documents for and on behalf of

his disabled brother.

7. The BMC shall issue the cheques for the pension amount of his deceased father Chandrakant Parab in the name of the disabled person showing the Petitioner as his guardian.

8. The Petitioner shall be entitled to open a pension account in the name of his disabled brother and to withdraw amounts therefrom for the maintenance and upkeep of his disabled brother.

(SMT.ROSHAN DALVI, J.)